

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**MARGARET DEAN,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 2:05CV246-P-A**

**JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL  
SECURITY,**

**DEFENDANT.**

**FINAL JUDGMENT**

These matters come before the court upon the U.S. Magistrate Judge's Report and Recommendation [14-1] and the plaintiff's objections filed thereto [15-1]. After due consideration of same, including the Government's response to the plaintiff's objections, the court finds as follows, to-wit:

In this case, the court may not re-weigh the evidence, try the case *de novo*, or substitute its own judgment for that of the Commissioner. *Hollis v. Bowen*, 837 F.2d 1378, 1383 (5<sup>th</sup> Cir. 1988). "If supported by substantial evidence, the decision of the [Commissioner] is conclusive and must be affirmed." *Paul v. Shalala*, 29 F.3d 208, 210 (5<sup>th</sup> Cir. 1994). "Substantial" evidence is that which is more than a scintilla but can be less than a preponderance of the evidence. *Anderson v. Sullivan*, 887 F.2d 630, 633 (5<sup>th</sup> Cir. 1989).

With these standards in mind, the court concludes that the ALJ's decisions to deny the plaintiff's claims for Title II disability and Title XVI Supplemental Security Income were supported by substantial evidence. Having considered the plaintiff's objections, the court concludes that the U.S. Magistrate Judge's Report and Recommendation that the court affirm the Commissioner's decision to deny the plaintiff's claims is correct.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

- (1) The U.S. Magistrate Judge's Report and Recommendation is adopted and incorporated herein as the opinion of the court; therefore,
- (2) The decision of the Commissioner of Social Security to deny Title II disability and Title XVI SSI benefits to the plaintiff is **AFFIRMED**;
- (3) This case is **CLOSED**.

**SO ORDERED** this the 25<sup>th</sup> day of July, A.D., 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE